REMARKS

In the Office Action,[1] the Examiner rejected claims 1-11 and 17-26 under 35

U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No.

2003/0212682 to Nip ("Nip") and U.S. Patent No. 5,940,809 to Musmanno et al.

("Musmanno") in view of U.S. Patent No. 7,363,264 to Doughty et al. ("Doughty").

Claims 1-11 and 17-26 remain pending.

Applicant respectfully traverses the rejection of claims 1-11 and 17-26 under 35

U.S.C. § 103(a) as being unpatentable over combinations of Nip, Musmanno, and

Doughty. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear

articulation of the reason(s) why the claimed invention would have been obvious." *See*

M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008). Such an analysis should be made explicit

and cannot be premised upon mere conclusory statements. *See* id. "A conclusion of

obviousness requires that the reference(s) relied upon be enabling in that it put the

public in possession of the claimed invention." M.P.E.P. § 2145. Furthermore, "[t]he

mere fact that references can be combined or modified does not render the resultant

combination obvious unless the results would have been predictable to one of ordinary

skill in the art" at the time the invention was made. M.P.E.P. § 2143.01(III), internal

citation omitted. Moreover, "[i]n determining the differences between the prior art and

the claims, the question under 35 U.S.C. § 103 is not whether the differences

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

themselves would have been obvious, but whether the claimed invention <u>as a whole</u> would have been obvious." M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

Independent claim 1 recites, among other elements, "storing . . . the output data record with a **first** data area, a **second** data area, and an identification code, wherein the **first data area is configured to be read by a first of the business applications**, and the **second data area is configured to be read by a second of the business applications** and further wherein the **output data record** can be read in full or in part by the first and second business applications **by referring to the identification code**" (emphases added). The Office Action correctly recognizes that both <u>Nip</u> and <u>Musmanno</u> fail to disclose or suggest the claimed "first data area" and "second data area." Office Action p. 4. The Office Action does allege, however, that <u>Doughty</u> remedies the deficiencies of <u>Nip</u> and <u>Musmanno</u>. <u>Id</u>. But, these allegations are not correct for at least the following reasons.

Specifically, the Office Action alleges that <u>Doughty</u> "shows a first data area and a second data area, wherein the first data area is configured to be read by a first of the business applications, and the second data area is configured to be read by a second of the business applications." Office Action p. 4. But, this is not correct at least because <u>Doughty</u> does not disclose or suggest a "first business application" and a "second business application" that can read the "output data record" by "referring to the identification code."

For example, <u>Doughty</u> states "[i]n step 810, an application program associated with the business transaction processes the user request and generates a request for

FSO data, which may be required to complete the business transaction, to the dynamic database packageset switching software. In step 820, the input processing portion of the dynamic database packageset switching software may gather additional transaction related information regarding the application program request for FSO data. . . . this may include the application program name, program variable, location of user and similar other." Doughty col. 11, lines 50-61. But, the disclosed "application program" and the "packageset switching software" do not constitute the claimed "first business application" and "second business application."

The Office Action appears to bey confusing the claimed "data area" with the claimed "output data record." For example, it appears that the Office Action alleges that the "application program" and "packageset switching software" in Doughty constitute the claimed "first business application" and "second business application." Office Action p. 4. But, Doughty does not disclose or suggest that the "packageset switching software," even if it contains the claimed "second data area" (which Applicant does not concede), may read the "output data record" whether "in full or in part." Nothing in Doughty discloses or suggests that the "packageset switching software" has access to an "output data record." To the contrary, the "packageset switching software" in Doughty has access to a database only to retrieve information for the "application program." See col. 12, lines 3-6. Furthermore, even if the "packageset switching software" of Doughty could access the "output data record," there is no disclosure or suggestion that such access is based on an "identification code."

Therefore, because even if the "application program" and the "packageset switching software" could constitute the claimed "first business application" and "second

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business application," as the Office Action seems to incorrectly allege, there is nothing in <u>Doughty</u> that discloses or suggests that the "packageset switching software" in <u>Doughty</u> can read the "output data record" by "referring to the identification code" **in addition to providing a "second data area."** Inasmuch as <u>Doughty</u> does not disclose or suggest at least the claimed "second business application," and the alleged "packageset switching software" is not disclosed or suggested to possess the characteristics of the claimed "second business application," <u>Doughty</u> does not remedy the deficiencies of <u>Nip</u> and <u>Musmanno</u>. Therefore, a *prima facie* case of obviousness has not been established and the rejection should be withdrawn.

In view of at least the above deficiencies of the applied references, the Office Action has not clearly articulated a reason as to why the claim would be obvious to one of ordinary skill in view of the prior art.

Independent claims 11 and 26, while of different scope than claim 1, distinguish over <u>Nip</u>, <u>Musmanno</u>, and <u>Doughty</u> for reasons similar to claim 1. Claims 2-10 and 17-25 distinguish over <u>Nip</u>, <u>Musmanno</u>, and <u>Doughty</u> at least due to their dependence from one of the independent claims.
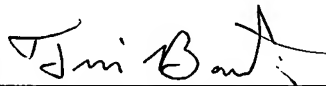
CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and

reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: January 7, 2010   By:_____

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